

Ordinance No:
Subdivision Regulation Amendment: 05-01
Concerning: MPDUs – finding of financial
infeasibility
Draft No. & Date: 3 – 5/5/05
Introduced: March 22, 2005
Public Hearing: April 26, 2005
Adopted: May 18, 2005
Effective: April 1, 2005

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Silverman

AN AMENDMENT to the Montgomery County Code for the purpose of:

- Clarifying the process for a finding of financial infeasibility with respect to moderately priced dwelling units in certain subdivisions.

By amending the following section of the Montgomery County Subdivision Regulations, Chapter 50 of the County Code:

Section 50-35 “Preliminary subdivision plan — Approval procedure”

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.
Double underlining indicates text that is added to the text
amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

28 feasible, the Planning Board must [determine] decide which if any of
29 the following measures authorized [under] by Chapter 59 or Chapter
30 50 should be approved to [accomplish] assure the construction of [the]
31 all required MPDUs on site:

- 32 (1) exceeding an applicable height limit, lower than the maximum
33 height in the zone, that is recommended in a master plan or
34 sector plan [[height limit]],
- 35 (2) exceeding an applicable residential density limit, lower than the
36 maximum density in the zone, that is recommended in a master
37 plan or sector plan [[residential density limit]], or
- 38 (3) locating public use space off-site.

39 **Sec. 2. Effective date.** This ordinance takes effect as of April 1, 2005.

40 This is a correct copy of Council action.

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42 _____

43 Linda M. Lauer
44 Clerk of the Council

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46 Approved

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49 Douglas M. Duncan, County Executive Date

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